

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY MITCHELL,

Plaintiff,

v.

Case Number 13-11620

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

JERRY CLAYTON, MARK PTASZEK,
SHERRY WOODS, LIEUTENANT
CASEY, COMMANDER KUNNUTH,
LIEUTENANT GREENFIELD,
SERGEANT GARCIA, SERGEANT
WILLIAMS, SERGEANT WEZNER,
CARLA WILSON, JANE DOE, JOHN
DOE, SERGEANT REISS, and
SERGEANT ARNETT,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND DISMISSING COMPLAINT

Presently before the Court is the report issued on February 10, 2016 by Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion for summary judgment and dismiss the complaint with prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #61] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment [dkt. #52] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 3, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 3, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI